

## Environmental Protection Agency

## § 79.4

and percentage by weight of each element in an additive.

(i) *Chemical structure* means the molecular structure of a compound in an additive.

(j) *Impurity* means any chemical element present in an additive that is not included in the chemical formula or identified in the breakdown by element in the chemical composition of such additive.

(k) *Oxygenate compound* means an oxygen-containing, ashless organic compound, such as an alcohol or ether, which may be used as a fuel or fuel additive.

[40 FR 52011, Nov. 7, 1975, as amended at 59 FR 33092, June 27, 1994; 62 FR 12571, Mar. 17, 1997]

### § 79.3 Availability of information.

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by part 2 of this chapter except as expressly noted in subpart F of this part.

[59 FR 33092, June 27, 1994]

### § 79.4 Requirement of registration.

(a) *Fuels*. (1) No manufacturer of any fuel designated under this part shall, after the date prescribed for such fuel in this part, sell, offer for sale, or introduce into commerce such fuel unless the Administrator has registered such fuel.

(2) No manufacturer of a registered fuel shall add or direct the addition to it of an additive which he has not previously reported unless he has notified the Administrator of such intended use, including the expected or estimated range of concentration. If necessary to meet an unforeseen production problem, however, a fuel manufacturer may use an additive that he has not previously reported provided that (i) the additive is on the current list of registered additives and (ii) the fuel manufacturer notifies the Administrator within 30 days regarding such unforeseen use and his plans regarding continued use, including the expected or estimated range of concentration.

(3) Any designated fuel that is (i) in a research, development, or test status; (ii) sold to automobile, engine, or com-

ponent manufacturers for research, development, or test purposes; or (iii) sold to automobile manufacturers for factory fill, and is not in any case offered for commercial sale to the public, shall be exempt from registration.

(4) A domestic fuel manufacturer may purchase and offer for commercial sale foreign-produced fuel containing unidentified additives provided that within 30 days of his offer for sale he notifies the Administrator of the purchase, the source of purchase, the quantity purchased, and summarized results of any tests performed to determine the acceptability of the purchased fuel to the fuel manufacturer.

(b) *Additives*. (1) No manufacturer of any fuel additive designated under this part shall, after the date by which the additive must be registered under this part, sell, offer for sale, or introduce into commerce such additive for use in any type of fuel designated under this part unless the Administrator has registered that additive for use in that type of fuel.

(2) Any designated additive that is either (i) in a research, development, or test status or (ii) sold to petroleum, automobile, engine, or component manufacturers for research, development, or test purposes, and in either case is not offered for commercial sale to the public, shall be exempt from registration.

(3) Process chemicals used by refineries during the refinery process are exempted from the requirement for registration.

(4) If an additive manufacturer prepares for sale only to fuel manufacturers (i) a blend or mixture of two or more registered additives or (ii) a blend or mixture of one or more registered additives with one or more substances containing only carbon and/or hydrogen, he will not be required to register such blend or mixture provided he will, upon request, furnish the Administrator with the names and percentages by weight of all components of such blend or mixture.

[40 FR 52011, Nov. 7, 1975, as amended at 41 FR 21324, May 25, 1976; 59 FR 33092, June 27, 1994]